

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**GREAT SOLUTIONS CORPORATION
AND RODNEY F. DAVIS D/B/A UNIKEM
INTERNATIONAL
AI # 86098**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

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*** ENFORCEMENT TRACKING NO.**

*** HE-P-00-0451**

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*** DOCKET NO. 2002-3389-EQ**

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SETTLEMENT

The following Settlement is hereby agreed to between Great Solutions Corporation, through its attorneys, and the Succession of Rodney F. Davis, through its executrix, Kathleen C. Davis, as the representative of Respondent Rodney F. Davis, allegedly d/b/a Unikem International (“Respondents”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondents, Great Solutions (a Corporation) and Rodney F. Davis (an individual) owned/operated a bulk chemical packaging facility at 1001 Harimaw Court in Metairie, Jefferson Parish, Louisiana (“the Facility”).

II

On February 28, 2002, the Department issued a Penalty Assessment, Enforcement Number HE-P-00-0451 in the amount of \$132,899.00 to Respondents (the “Penalty Assessment”), which was based upon the following findings of fact:

- A. The Respondents did not have a permit or interim status to store or dispose of hazardous waste at the facility
- B. On or about May 25, 2000, a representative of the Department performed an inspection at the facility and found approximately thirty (30) 55-gallon drums, assorted aerosol cans, and 5-, 10- and 15-gallon containers containing hazardous wastes in the parking lot at the rear of the building. These containers of hazardous waste had been abandoned by the Respondents in such a manner that leaks and spills of hazardous waste into the environment were possible, and therefore such abandonment constituted disposal of hazardous waste without a permit or interim status, in violation of LAC 33:V.303.B.
- C. During the above-mentioned inspection, the representative of the Department also found approximately one hundred sixty-eight (168) 55-gallon drums containing hazardous waste stored inside the warehouse. These drums of hazardous waste were owned by the Respondents. This storage of hazardous waste without a permit or interim status is in violation of LAC 33:V.303.B.
- D. On or about September 10, 2001, a Consolidated Compliance Order & Notice of Potential Penalty (HE-CN-01-0256) was issued regarding the violation(s) noted at the time of the May 25, 2000, inspection.

III

In response to the Penalty Assessment, Respondents made a request for a hearing and the request was granted.

IV

Respondents deny that they committed any violations or that they are liable for any fines, forfeitures and/or penalties, and deny the veracity of findings of fact recited in the penalty assessment and in section II of this Settlement.

V

Nonetheless, Respondents, without making any admission of fact or of liability under any state or federal statute or regulation, agree to pay, and the Department agrees to accept, a payment in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) of which One Thousand Three Hundred Seventy-Three and No/100 Dollars (\$1,373.00) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondents further agree that the Department may consider the inspection report(s), the Penalty Assessment and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondents and in any such action Respondents shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the secretary for all purposes,

including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondents hereby waive any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for all parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the department considered the factors for issuing civil penalties set forth in LSA- R.S. 30:2025(E) of the Act. Further, the Department, in making its decision to settle, relied on financial information provided by Respondents in an affidavit. If, subsequent to this settlement and compromise, the information contained in the affidavit is discovered not to be representative of the Respondents' financial status, the Department reserves the right to void the settlement and compromise.

IX

The Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in Jefferson Parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondents have submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

**THE SUCCESSION OF RODNEY F. DAVIS,
as the Representative of Respondent Rodney F. Davis**

BY: Kathleen C. Davis
(Signature)

Kathleen C. DAVIS
(Printed)

TITLE: Executrix of Succession of Rodney F. Davis

THUS DONE AND SIGNED in duplicate original before me this 29th day of September, 2004, at New Orleans, LA.

Randall A. Smith
NOTARY PUBLIC (ID # _____)
Randall A. Smith
(Printed or Typed)

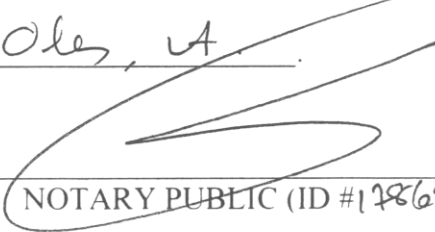
GREAT SOLUTIONS CORPORATION

BY: 
(Signature)

Randall A. Smith
(Printed)

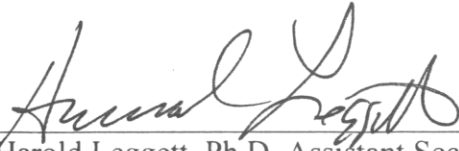
TITLE: Attorney for Great Solutions Corporation
with Smith & Fawer, L.L.C.

THUS DONE AND SIGNED in duplicate original before me this 29th day of
September, 2004, at New Orleans, LA.



NOTARY PUBLIC (ID #12865)
STEPHEN M. WILKS
(Printed or Typed)


STATE OF LOUISIANA

Mike D. McDaniel, Ph.D., Secretary
Department of Environmental Quality

BY: 
Harold Leggett, Ph.D. Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 28th day of
December, 2004, at Baton Rouge, Louisiana.

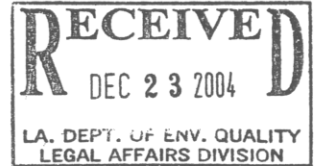

NOTARY PUBLIC (ID # 20451)
Ted R. Bayle, II
(Printed or Typed)

Approved: 
Harold Leggett, Ph.D. Assistant Secretary



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005



December 16, 2004

Mr. Louis E. Buatt, General Counsel
La. Department of Environmental Quality
Legal Affairs Division
P.O. Box 4302
Baton Rouge, LA 70821-4302

Re: AG Review of DEQ Settlement;
Great Solutions Corporation and Rodney F. David
d/b/a Unikem International
HE-P-00-0451

Dear Mr. Buatt:

Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,

By:


CHARLES C. FOTI, JR.
Attorney General

CCF/mlc